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Environmental
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California Regional Water Quality Control Board

Los Angeles Region

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Mr. Paul Caron
California Department
of Transportation
120 S. Spring Street, MS 16A
Los Angeles, California 90012

CONDITIONAL CERTIFICATION FOR PROPOSED INTERSTATE 605/ROSE HILLS OFF RAMP CHANNEL CLEANING PROJECT (CORPS PROJECT NO. 2004-00642- JLB), SAN JOSE CREEK, CITY OF PICO RIVERA, LOS ANGELES COUNTY (File No. 03-054)

Dear Mr. Caron:

Regional Board staff has reviewed your request on behalf of California Department of Water Resources (DWR) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on March 22, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-5733.

[ORIGINAL SIGNED BY]

MAY 21, 2004

Dennis A. Dickerson
Executive Officer

Date

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 03-054

1. Applicant: Mr. Paul Caron
California Department
of Transportation
120 S. Spring Street, MS 16A
Los Angeles, California 90012

Phone: (213) 897-0610 Fax: (213) 897-2593
2. Applicant's Agent: None
3. Project Name: Interstate 605/Rose Hills Off Ramp Concrete Channel Cleaning
4. Project Location: Pico Rivera, Los Angeles County

Along San Jose Creek at the southbound Interstate
605 & Rose Hills Road off-ramp

Longitude: 118° 00' 21"; Latitude: 34° 2' 21"
5. Type of Project: Concrete Channel Cleaning
6. Project Description: *Purpose:*
The project's purpose is maintenance of the concrete channel by removing accumulated sediment and vegetation from the channel.

Description:
The California Department of Transportation proposes to perform routine channel maintenance to remove accumulated sediment and vegetation from within the entire 500-foot concrete-lined trapezoidal channel. The concrete channel is located along San Jose Creek at the southbound Interstate 605 & Rose Hills Road off-ramp. The proposed project is necessary to clear a build-up of sediment and vegetation that is restricting stormflows, particularly at the culvert inlet on the downstream end of the proposed project area. A potential for flooding exists at this location if the channel is not properly maintained. The project is proposed to commence as soon as all necessary permits are obtained. The duration of the project is expected to be less than one week.
7. Federal Agency/Permit: U.S. Army Corps of Engineers (Permit No. 2004-00642-JLB)
NWP No. 39

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| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California
Environmental Quality
Act (CEQA)
Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities). |
| 10. Receiving Water: | San Jose Creek, a tributary to the San Gabriel River (Hydrologic Unit No. 405.41) |
| 11. Designated Beneficial
Uses: | MUN, GWR, REC-1, REC-2, WARM, WILD |
| 12. Impacted Waters of the
United States: | Federal jurisdictional wetlands: 0.12 permanent acres |
| 13. Dredge Volume: | 0 cubic yards |
| 14. Related Projects
Implemented/to be
Implemented by the
Applicant: | Upon completion of this proposed activity, yearly maintenance of the channel would occur. After the initial cleaning, subsequent cleanings are expected to disturb reduced amounts of sediment, resulting in minor water quality impacts. Implementation of applicable Caltrans BMPs for water quality will minimize impacts to water quality. |
| 15. Avoidance/
Minimization
Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Preservation of existing vegetation on banks;• No debris will be stored onsite;• No stockpiling of materials will occur near or in the streambed;• Vehicle and equipment maintenance and fueling will not be allowed in the channel; and• Sediment control mechanisms will be installed: sandbag and straw bale will be used downstream of the project. |

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Project Information **File No. 03-054**

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| 16. Proposed
Compensatory
Mitigation: | As an alternative, the Applicant has proposed to provide \$21,600 in funding to the San Gabriel Rivers and Mountains Conservancy for 0.36 (3:1 ratio) acres of wetland creation or restoration. |
| 17. Required
Compensatory
Mitigation: | <i>See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.</i> |

ATTACHMENT B

Conditions of Certification File No. 03-054

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

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Conditions of Certification File No. 03-054

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. Application of pesticides must be done by a certified applicator and compounds used must be appropriate to the target species and habitat. All pesticides directed to species that are located in water must be permitted through the Regional Board. As per State Water Resources Control Board Water Quality Order no. 2001-12-DWQ, a Notice of Intent for a National Pollutant Discharge Elimination System (NPDES) is the appropriate permit for water based pesticide application.
9. No channel clearing activities shall take place in any reach where there is potential for any rare, threatened, or endangered species prior to completion of a formal or informal consultation with the responsible wildlife agencies. Upon completion of the consultation with the U.S. Fish and Wildlife Service, or other appropriate agencies, the Applicant shall submit a copy of the consultation results to this Regional Board. Any conditions required by the approving agency for the protection of any protected species shall be incorporated into this certification.
10. No mechanical channel clearing activities shall take place in any reach where there are any native species. Hand clearing through the vegetation shall take place in such reach if and only if necessary for flood control purposes and/or removal of non-native species. Hand clearing may be performed annually, for the duration of this Certification, in an effort to keep the channel clear of sediment and non-native vegetation.

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Conditions of Certification File No. 03-054

11. No channel clearing activities shall be executed between March 15th and September 1st of each year or as required by California Department of Fish and Game Streambed Alteration Agreement.
12. The Applicant shall not conduct any channel clearing activities within waters of the state during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any channel clearing activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
13. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all clearing activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during clearing activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
14. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
15. All clearing activities not included in this certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional certification action.
16. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities,

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erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

17. The Applicant shall restore TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
18. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed permanent impacts to **0.12 acres** of vegetation within waters of the United States/Federal jurisdictional wetlands by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 3:1 area replacement ratio (0.36 acres). As an alternative, the Applicant has chosen to provide \$21,600 in funding to the San Gabriel Rivers and Mountain Conservancy for the creation or restoration of a total of 0.36 acres of riparian habitat within waters of the United States/Federal jurisdictional wetlands. The mitigation site shall be located within the (San Gabriel River) Watershed to the extent feasible unless otherwise approved by this Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
19. The Applicant must notify the Regional Board in writing 60-days prior to any reach being proposed for addition to this Certification. The Applicant must include the completed formal or informal consultation results from all appropriate agencies responsible for rare, threatened, or endangered species as part of their notification. All conditions that are required by the approving responsible agencies for the protection of any protected species shall be incorporated into this certification. The Applicant must include a revised Monitoring Plan for the proposed reaches with the notification for Regional Board approval.

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Modification and or revision of this Certification may require a new application and filing fee.

20. The Applicant must notify the Regional Board in writing 30-days prior to any reach being proposed for removal from the conditions of this Certification. The written notification must include the name of the reach, the location of the reach, the longitude/latitude coordinates of the reach, the total acres that were being cleared within the reach, why the reach is being removed, and the future maintenance procedures for the reach.
21. Mitigation shall be the last resort after detailed avoidance minimization determinations have been thoroughly documented. Mitigation shall be maintained in perpetuity, use primarily native plants, not receive any credit as water treatment system, and be capable of ensuring a “no net loss” of wetlands functions and values within 5 years. All compensatory mitigation associated with this project shall maintain compliance with the U.S. Army Corps of Engineers’ Section 404 Permit. Annual reporting shall be completed as described below in condition 23. No exemptions for existing projects to this condition are available without prior written approval.
22. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
23. The Applicant shall submit Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project area. Additionally, the Applicant shall submit a site description, including dimensions of project areas, and pre and post- project photographs.
24. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **May 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the clearing activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color aerial and representative cross-section photo documentation of the pre- and post-project conditions of the channel organized in an easy to interpret format;
 - (b) The overall status of project including a detailed schedule of work for the channel;
 - (c) Copies of all permits revised as required in Additional Condition 1;
 - (d) A certified statement of “no net loss” of wetlands associated with this project; and

Conditions of Certification
File No. 03-054

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed they system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(Signature)
(Title)''

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29. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
30. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
31. The project shall comply with the local regulations associated with the Regional Board's **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.
32. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
33. The Applicant shall notify this Regional Board in writing of any proposed custodial changes of the number of reaches to be covered by this certification at least sixty (60) days prior to planned transfer of the reaches. A copy of the accepted transfer agreement shall be provided as part of this notification for approval.
34. The Applicant or their agents shall report any noncompliance with this certification, which may endanger human health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the non-compliance. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, corrective actions and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.
35. *Enforcement:*

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- (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this certification, the SWRCB or RWQCB may add to or modify the conditions of this certification as appropriate to ensure compliance.
36. This certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this certification if renewal is requested.